

## **REMARKS**

The Examiner rejected claims 1, 5, 16, 20 and 22 under 35 U.S.C. §102(b) as being anticipated by Saaski. The claims recite a flow restrictor and a medical aspiration system with a tube having a diameter between 1.5 and 2.5 millimeters. Saaski does not disclose these limitations. The device of Saaski is not a medical aspiration system nor a flow restrictor in a medical aspiration system. Saaski discloses a fluid regulator for dispensing medication. Saaski does not disclose a system with a tube having a diameter of 1.5 to 2.5 millimeters, and a flow restrictor with a diameter between .1 and 1.0 millimeters that creates a non-linear relationship between fluid pressure and flowrate as recited in the claims. Consequently, Saaski does not anticipate claims 1, 5, 16, 20 and 22.

The Examiner rejected claims 1, 5, 16, 20 and 22 under 35 U.S.C. 103(a) as being unpatentable over Easley in view of Saaski. The Examiner states that Saaski would teach one skilled in the art to modify Easley to include the flow restrictor range recited in the claims. The Applicant submits that one skilled in the art would not look to Saaski to modify Easley because Saaski does not relate to medical aspiration systems. Saaski teaches to provide a collapsible flow restrictor that is used to regulate the dispensing of medication. Saaski does not suggest modification of a medical aspiration system to include a flow restrictor that creates a non-linear relationship between pressure and flowrate to minimize the effects of a post-occlusion event in the system. Likewise, Easley does not teach or suggest to look at medical dispensing devices to address post-occlusion surges in a medical aspiration system. For these reasons, the Applicant submits that neither Easley nor Saaski teach or suggest the claims recited in the above entitled application.

The Examiner rejected claims 3, 4, 18, 19, 21, 24 and 25 under U.S.C. § 103(a) as being unpatentable over Saasi in view of Beuchat. The Applicant submits that these claims are allowable for being dependent upon allowable independent claims.

In view of the above it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1, 3-5, 16, 18-22, 24 and 25 at an early date is solicited.

Respectfully submitted,

IRELL & MANELLA LLP

Dated: August 4, 2005

  
BEN J. YORKS, Reg. No. 33,609

840 Newport Center Drive, Suite 400  
Newport Beach, CA 92660  
949-760-0991

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, on August 4, 2005.

 Aug 4, 2005  
Susan Langworthy Date